

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

KENNETH DULWORTH, )  
vs. )  
Petitioner, )  
EDWARD L. EVANS, )  
vs. ) Case No. CIV-05-1106-F  
Respondent. )

**ORDER**

On September 28, 2005, United States Magistrate Judge Doyle W. Argo entered a Report and Recommendation, wherein he recommended that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 be dismissed as untimely.

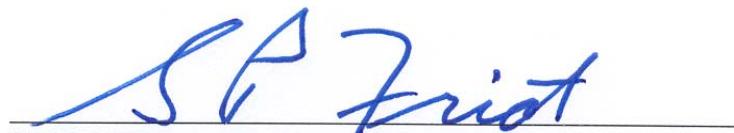
Presently before the court is petitioner's timely objection to the Report and Recommendation. The court has conducted a *de novo* review of the matter in accordance with 28 U.S.C. § 636(b)(1). Having done so, the court concurs with Magistrate Judge Argo's analysis and recommendation. The court agrees that petitioner's habeas corpus petition is time-barred. Hence, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

**IT IS THEREFORE ORDERED** that the Report and Recommendation issued by United States Magistrate Judge Doyle W. Argo on September 28, 2005 (doc. no. 6), is **ACCEPTED, ADOPTED** and **AFFIRMED**.

IT IS ALSO ORDERED that Petitioner, Kenneth Dulworth's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, filed September 20, 2005 (doc. no. 1), is **DISMISSED** as untimely.

IT IS FURTHER ORDERED that judgment shall issued forthwith.

ENTERED this 17<sup>th</sup> day of October, 2005.



---

STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

05-1106p002(pub).wpd